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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JOEL B. RICHEY
7450 Girard Avenue
La Jolla, CA 92037

Physical Therapist License No. PT 13574

Respondent.

Case No. ID 2001 62874

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Barry D. Ladendorf, Supervising Deputy Attorney General.

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2. Respondent Joel B. Richey (Respondent) is represented in this proceeding by attorney David D. Queen, whose address is 225 South Lake Avenue, Suite 300 Pasadena, CA 91101-3009

3. On or about May 8, 1986, the Physical Therapy Board of California issued Physical Therapist License No. PT 13574 to Joel B. Richey (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. ID 2001 62874 and will expire on August 31, 2005, unless renewed.

JURISDICTION

4. Accusation No. ID 2001 62874 was filed before the Physical Therapy Board of California (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 11, 2004. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. ID 2001 62874 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. ID 2001 62874. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 CULPABILITY

2 8. Respondent admits that the facts set forth in the attached Public Reprimand
3 are true and accurate.

4 9. Respondent agrees that his Physical Therapist License is subject to
5 discipline and he agrees to be bound by the Physical Therapy Board of California (Board)'s
6 imposition of discipline as set forth in the Disciplinary Order below.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Physical Therapy Board
9 of California. Respondent understands and agrees that counsel for Complainant and the staff of
10 the Physical Therapy Board of California may communicate directly with the Board regarding
11 this stipulation and settlement, without notice to or participation by Respondent or his counsel.
12 By signing the stipulation, Respondent understands and agrees that he may not withdraw his
13 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
14 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
15 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
16 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
17 further action by having considered this matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Board may, without further notice or formal proceeding, issue and enter the
23 following Disciplinary Order:

24 13. Respondent agrees, as part of this settlement, he will pay the amount of
25 \$500 as cost recovery pursuant to Business and Professions Code section 2661.5.

26 DISCIPLINARY ORDER

27 IT IS HEREBY ORDERED that Joel B. Richey, holder of Physical Therapist
28 License No. PT 13574, shall be publicly reprimanded by the Physical Therapy Board of California

1 for violating Business and Professions Code sections 2660(j), 2660(k), and the California Code
2 of Regulations, Title 16, section 1398.44 (f), as set forth in Accusation No. ID 2001 62874 (a
3 copy of which is attached hereto as Exhibit B and hereby incorporated by reference as if fully set
4 forth).

5 ACCEPTANCE

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and
7 have fully discussed it with my attorney, David D. Queen. I understand the stipulation and the
8 effect it will have on my Physical Therapist License. I enter into this Stipulated Settlement and
9 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
10 Decision and Order of the Physical Therapy Board of California.

11 DATED: June 20, 2004.

13 Original Signed By:
14 JOEL B. RICHEY
Respondent

16 I have read and fully discussed with Respondent Joel B. Richey the terms and
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
18 Order. I approve its form and content.

19 DATED: June 25, 2004.

21 Original Signed By:
22 DAVID D. QUEEN
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: July 6, 2004.

BILL LOCKYER, Attorney General
of the State of California

Original Signed By:
BARRY D. LADENDORF
Supervising Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2003AD0319
Richey Stipulated Settlement.wpd

Exhibit A
Accusation No. ID 2001 62874

Public Reprimand

Respondent, Joel B. Richey, P.T., California Physical Therapy License No. PT 13574 is publicly reprimanded under Business and Professions Code section 495 for violating Business and Professions Code sections 2660 (j), (k), and the California Code of Regulations, Title 16, section 1398.44 (f), in that, respondent aided and abetted Suzanne Alice Jasper Richey to practice as a Physical Therapy Assistant between November 30, 1999, until November 15, 2001, without having a current and valid license issued by the Physical Therapy Board of California. In addition, between these same dates, respondent, the supervising physical therapist for Suzanne Alice Jasper Richey, failed to review, cosign and date the charts of eight patients to whom Suzanne Alice Jasper Richey had provided treatment.

Exhibit B

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

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JOEL B. RICHEY
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La Jolla, CA 92037

Physical Therapist License No. PT 13574

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DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 2, 2004. It is so ORDERED
August 3, 2004.

Original Signed By: Donald A. Chu, PhD, Pt, President
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS